

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

CARL HALL,

Defendant.

00-cr-103 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On August 5, 2021, defendant Carl Hall filed a motion for compassionate release pursuant to 18 U.S.C. § 3582. In support of his motion, Hall argued that the dangers posed by COVID-19, when combined with his medical and mental health conditions, justified a reduction in sentence. Following briefing, the Court denied that motion on August 20, 2020. The Court found that, in light of Hall's "extremely serious and violent crimes, including attempted murder, murder, and torture" he continued to "present[] a clear danger to the community," precluding compassionate release under U.S.S.G. § 1B1.13(2). ECF No. 90 at 3.

The Court also found that "the 3553(a) factors weigh[ed] against compassionate release, constituting an additional independent ground for denial." Id. As the Court explained, the 40-year sentence - which was already "a downward departure from the Sentencing Guidelines recommendation" - was appropriate in light of, inter alia, "the most serious nature" of Hall's crimes

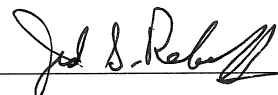
and, given his criminal history, the need for a "substantial custodial term" to "deter Hall from recidivating." Id. at 4.

Now before the Court is Hall's pro se renewed motion for compassionate release, dated December 1, 2021. The renewed motion again identifies Hall's medical and mental health as justifying either immediate release on time served or a reduction in sentence. It cites no change in circumstances since the Court denied his earlier compassionate release motion that would justify a different result. And while it is true that following the Court's denial of Hall's initial motion, the Second Circuit held, in United States v. Brooker, 976 F.3d 228, 236 (2020), that § 1B1.13 is not applicable to compassionate release motions brought by defendants and, as a result, a dangerousness determination is not required, that holding does not impact the Court's finding that the 3553(a) factors provided an additional and independent ground for denial. Accordingly, Hall's renewed motion is denied.

SO ORDERED.

Dated: New York, NY

December 13 2021


JED S. RAKOFF, U.S.D.J.